

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	) Attorney's Docket No. <b>334065-00003</b>
	)
<b>Edward L. STAHL</b>	) Examiner: <b>Unassigned</b>
	)
Application No.: <b>10/582,165</b>	) Group Art Unit: <b>3727</b>
	)
Filed: <b>June 8, 2006</b>	) Confirmation No.: <b>1834</b>
	)
For: <b>THREE LEVEL NESTABLE</b>	) Customer No.: <b>27160</b>
<b>STACKING CONTAINERS</b>	)
	) Date: <b>August 30, 2007</b>

**CLAIM FOR SMALL ENTITY STATUS AND**  
**REQUEST FOR REFUND TO DEPOSIT ACCOUNT**

**MAIL STOP 16**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.26, Applicant respectfully requests a refund of \$650.00. A \$2,100 fee was erroneously charged to Deposit Account No. 50-1710 on June 14, 2006 in regard to the filing of the above-identified U.S. national stage application (copy of Deposit Account Statement is attached). Please credit Deposit Account No. 50-1710 with the \$650.00 refund.

Applicant states that at the time of filing the above-identified application, the Applicant qualified as a small business concern as defined in 37 C.F.R. § 1.27(a)(2), and retains small entity status to date. Accordingly, it is hereby requested that the status of this application be changed to reflect a small business under 37 C.F.R. § 1.27(a)(2).

A Fee Transmittal was filed concurrently with the filing of the above-identified national stage application authorizing payment of the total fees due of \$2,800.00 (copy attached); however, the PTO charged the deposit account \$2,100.00 (Deposit Account Statement attached). Small entity status is claimed herewith and a breakdown of the appropriate fees to be charged to the deposit account are provided below:

Basic Filing Fee	\$150.00
Exam Fee	100.00
Search Fee	50.00
Excess Sheets (80/50)	250.00
Excess Independent Claim Fees	900.00
 TOTAL	 <u>\$1,450.00</u>
<b>(\$2,100 - \$1,450 = \$650)</b>	

For the convenience of the USPTO and to expedite the refund process, Applicant submits a copy of the Fee Transmittal, and copy of the USPTO Deposit Account Statement.

Should there be any questions, Applicant's undersigned attorney can be reached by telephone at (202) 625-3500. All correspondence should continue to be directed to the address given below.

Respectfully submitted,

Patent Administrator  
KATTEN MUCHIN ROSENMAN, LLP  
1025 Thomas Jefferson St., Suite 700  
Washington, DC 20007-5201  
Telephone: (202) 625-3500  
Facsimile: (202) 298-7570  
Customer No. 27160

KATTEN MUCHIN ROSENMAN LLP

By: 

Mark W. Hrozenchik  
Registration No. 45,346

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER 334065.00003
		U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
INTERNATIONAL APPLICATION NO. PCT/US2005/043932	INTERNATIONAL FILING DATE December 6, 2005	PRIORITY DATE CLAIMED December 6, 2004
TITLE OF INVENTION THREE LEVEL NESTABLE STACKING CONTAINERS		
APPLICANT(S) FOR DO/EO/US Edward L. STAHL		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.		
2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.		
3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.		
4. <input checked="" type="checkbox"/> The US has been elected (Article 31).		
5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))		
a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).		
b. <input type="checkbox"/> has been communicated by the International Bureau.		
c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).		
6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).		
a. <input type="checkbox"/> is attached hereto.		
b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).		
7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))		
a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).		
b. <input type="checkbox"/> have been communicated by the International Bureau.		
c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.		
d. <input checked="" type="checkbox"/> have not been made and will not be made.		
8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).		
9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).		
10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
Items 11 to 20 below concern document(s) or information included:		
11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.		
12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.		
13. <input type="checkbox"/> A preliminary amendment.		
14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.		
15. <input type="checkbox"/> A substitute specification.		
16. <input type="checkbox"/> A power of attorney and/or change of address letter.		
17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.		
18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).		
19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		
20. <input checked="" type="checkbox"/> Other items or information: Return Receipt Postcard		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/US2005/043932		ATTORNEY'S DOCKET NUMBER 334065.00003	
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21. <input checked="" type="checkbox"/> Basic national fee..... \$300				\$ 300.00	
22. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)..... \$100 All other situations..... \$200				\$ 100.00	
23. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared and provided to the Office..... \$400 All other situations..... \$500				\$ 100.00	
<b>TOTAL OF 21, 22 and 23 =</b>				\$ 500.00	
<input checked="" type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
180 - 100 =	80 / 50 =	2	x \$250	\$ 500.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).				\$ 0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	20 - 20 =	0	x \$ 50	\$ 0.00	
Independent claims	12 - 3 =	9	x \$200	\$ 1,800.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$ 0.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					
<b>SUBTOTAL =</b>				\$ 2,300.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$ 0.00	
<b>TOTAL NATIONAL FEE =</b>				\$ 2,800.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
<b>TOTAL FEES ENCLOSED =</b>				\$ 2,800.00	
				Amount to be refunded:	\$
				Amount to be charged:	\$
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>50-1710</u> in the amount of \$ <u>2,800.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>50-1710</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>					
<p><b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p>					
<p>SEND ALL CORRESPONDENCE TO:</p> <p>Katten Muchin Rosenman, LLP. (Cust. No. 27160) 1025 Thomas Jefferson Street, NW East Lobby, Suite 700 Washington, DC 20007-5201 US</p>					
				SIGNATURE	
				Mark W. Hrozenchik	
				NAME	
				45,316	
				REGISTRATION NUMBER	

June 8th thru 30th 2006 Statement						
DATE	SEQ	POSTING	ATTORNEY	FEE	BAL	Atty's #
		REF TXT	DOCKET	CODE		
			NBR			
8-Jun	233	11076157	215013-00005	8007	\$20.00	33549
9-Jun	327	11196446	213899-00027	2814	\$65.00	33549
9-Jun	328	11196446	213899-00027	2251	\$60.00	33549
9-Jun	1347	10898193	333256-00100	2501	\$700.00	40224
12-Jun	1	10776340	213407-00017	2253	\$510.00	33549
12-Jun	250	10155225	213202-00409	1202	\$750.00	33549
12-Jun	251	10155225	213202-00409	1201	\$200.00	33549
12-Jun	252	10155225	213202-00409	1252	\$450.00	33549
12-Jun	436	10717901	213202-00488	1253	\$1,020.00	33549
12-Jun	441	10879621	213201-00215	1201	\$400.00	33549
12-Jun	701	11423357	214767-00034	4011	\$75.00	33549
12-Jun	702	11423357	214767-00034	2111	\$250.00	33549
12-Jun	703	11423357	214767-00034	2311	\$100.00	33549
13-Jun	1	11196446	213899-00027	2201	\$100.00	33549
13-Jun	2	11196446	213899-00027	2202	\$25.00	33549
13-Jun	24	10384820	215105-01200	1401	\$500.00	34182
14-Jun	229	10582165	334065-00003	1631	\$300.00	33549
14-Jun	230	10582165	334065-00003	1641	\$100.00	33549
14-Jun	231	10582165	334065-00003	1681	\$500.00	33549
14-Jun	232	10582165	334065-00003	1614	\$1,200.00	33549
15-Jun	261	10983890	333331-00003	8007	\$20.00	33549
20-Jun	148	6509118	320513-57500	1551	\$900.00	33549
21-Jun	224	11455709	331350-00038	2011	\$150.00	33549
21-Jun	225	11455709	331350-00038	2111	\$250.00	33549
21-Jun	226	11455709	331350-00038	2311	\$100.00	33549
21-Jun	227	11455709	331350-00038	2201	\$100.00	33549
21-Jun	228	11455709	331350-00038	2202	\$375.00	33549
23-Jun	213	10451249	330499-00002	1251	\$120.00	34490
23-Jun	231	5385587	320513-59900	1553	\$3,800.00	33549
23-Jun	233	5874186	320513-57423	1552	\$2,300.00	33549
23-Jun	235	RE37804	320513-58130	1552	\$2,300.00	33549
23-Jun	236	5886325	320513-56500	1552	\$2,300.00	33549
23-Jun	1343	10021574	213899-00014	2202	\$50.00	33549
26-Jun	7	10087730	215105-00800	1401	\$500.00	34182
28-Jun	516	6564592	101058-00001	8021	\$80.00	31101
29-Jun	86	60816359	335706-00001	2005	\$100.00	34182
29-Jun	296	60816863	336436-00002	2005	\$100.00	33600
29-Jun	950	11183949	333307-00003	1464	\$130.00	40710
					\$21,000.00	